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NARCOTIC DRUGS

Report of the Secretary-General

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* A/47/150.

I. INTRODUCTION

1. At its forty-sixth session, the General Assembly adopted five resolutions relating to international drug control: 46/101, 46/102, 46/103 and 46/104 of 16 December 1991, and 46/185 C, section XVI, of 20 December 1991.

2. The reports requested in resolution 46/102, on the implementation of the Global Programme of Action against illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances, and section I of resolution 46/103, on international action to combat drug abuse and illicit trafficking, will be reviewed at the Inter-Agency Meeting on Coordination in Matters of International Drug Abuse Control, to be held in September 1992, before being submitted to the General Assembly in a separate document later.

3. The present document concerns General Assembly resolutions 46/101, on respect for the principles enshrined in the Charter of the United Nations and international law in the fight against drug abuse and illicit trafficking; 46/103, section II, on the economic and social consequences of illicit trafficking in narcotic drugs and psychotropic substances; 46/104, on the United Nations International Drug Control Programme; and 46/185 C, section XVI, on questions related to the proposed programme budget for the biennium 1992-1993. It also embodies the report of the Secretary-General requested in resolution 45/146 of 18 December 1990.

II. IMPLEMENTATION OF THE UNITED NATIONS CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

4. At its forty-fifth session, the General Assembly adopted resolution 45/146 on the implementation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, of 1988, and requested the Secretary-General to report on the implementation of that resolution to the Assembly at its forty-seventh session.

5. In paragraph 1 of its resolution 45/146, the General Assembly urged States that had not yet done so to proceed as soon as possible to ratify or accede to the Convention in order to make its provisions more universally effective. Since the adoption of the resolution on 18 December 1990, 34 more States and the European Economic Community have become parties to the Convention, bringing the total number of parties as at 30 June 1992 to 63. The new States parties are: Afghanistan, Brazil, Burkina Faso, Cameroon, Costa Rica, Côte d'Ivoire, Czechoslovakia, Denmark, Egypt, France, Greece, Guatemala, Guinea, Honduras, Italy, Japan, Luxembourg, Madagascar, Monaco, Myanmar, Nepal, Oman, Pakistan, Peru, Portugal, Saudi Arabia, Seychelles, Sri Lanka, Sweden, Syrian Arab Republic, Ukraine, United Kingdom of Great Britain and Northern Ireland, Venezuela and Yugoslavia.

6. In paragraphs 2 and 3 of that resolution, the General Assembly urged States to establish the necessary legislative and administrative measures so that their internal juridical regulations might be compatible with the spirit and scope of the Convention and invited States, to the extent that they were able to do so, to apply provisionally the measures set forth in the Convention, pending its entry into force for each of them, and, in particular, to bear in mind the advisory services available for that purpose from the Division of Narcotic Drugs of the Secretariat, which has now been integrated into the United Nations International Drug Control Programme, in accordance with Assembly resolution 45/179 of 21 December 1990.

7. There has been extensive legislative activity to implement the Convention by both parties and non-parties. A number of States adopted legislation anticipating the provisions of the Convention while its text was being developed. Implementing laws and regulations furnished by States to the Secretary-General are published by the United Nations International Drug Control Programme for the benefit of all States. Included in those published by the Programme since the adoption of General Assembly resolution 45/146 have been laws and regulations of 34 States not yet parties to the Convention but implementing various provisions thereof (Algeria, Australia, Austria, Barbados, Belgium, Benin, Colombia, Cuba, Dominica, Dominican Republic, Germany, Hungary, Iran (Islamic Republic of), Israel, Malawi, Malaysia, Malta, Mauritius, New Zealand, Papua New Guinea, Philippines, Romania, Saint Lucia, San Marino, Singapore, South Africa, Sudan, Switzerland, Thailand, Trinidad and Tobago, Turkey, Uruguay, Zaire and Zambia). A number of other States are known to have made progress in amending their laws and administrative arrangements in line with the provisions of the Convention.

8. Since the adoption of resolution 45/146, the United Nations International Drug Control Programme has provided comprehensive legal assistance to over 40 States in Africa, Asia and the Pacific, Europe, and Latin America and the Caribbean. The assistance has included advice on adjusting national laws, policies and infrastructures to implement the requirements and objectives of all the international drug control conventions, particularly the 1988 Convention, as well as training judges, prosecutors and investigators effectively to apply the new laws.

9. The work has been underpinned by a programme of regional legal workshops initiated by the Programme to assist States in identifying limitations in their legal capacity to implement fully the conventions and in developing appropriate measures and arrangements to overcome such limitations. The workshops are also intended to encourage participating States to increase their domestic and regional capacity to implement the conventions effectively, and to establish or improve the legal basis for day-to-day cooperation. The first such workshop, held at Livingstone, Zambia, from 25 to 28 February 1991, was attended by 13 southern African States. The second workshop, held at Sigatoka, Fiji, from 2 to 6 September 1991, was attended by 17 Pacific States. A third workshop, for Colombo Plan countries, is to be held at Bangkok in October 1992.

10. Model legislation is being developed by the Programme to accelerate more widespread and uniform implementation while promoting maximum international cooperation. A package of model texts for use in all main legal systems is expected to be completed early in 1993.

11. In paragraph 4 of its resolution 45/146, the General Assembly once again urged all States that had not yet done so to ratify or accede to the Single Convention on Narcotic Drugs of 1961, that Convention as amended by the 1972 Protocol, and the Convention on Psychotropic Substances of 1971. Since the resolution was adopted, a further seven States have become parties to both the Single Convention and that Convention as amended by the 1972 Protocol (Burkina Faso, Czechoslovakia, Marshall Islands, Micronesia (Federated States of), Mongolia, Saint Lucia and Seychelles) and a further three States have become parties to the Convention on Psychotropic Substances (Marshall Islands, Micronesia (Federated States of) and Seychelles), bringing the total number of parties to those instruments by 30 June 1992 to 134, 109 and 107, respectively.

III. RESPECT FOR THE PRINCIPLES ENSHRINED IN THE CHARTER OF THE UNITED NATIONS AND INTERNATIONAL LAW IN THE FIGHT AGAINST DRUG ABUSE AND ILLICIT TRAFFICKING

12. In its resolution 46/101, the General Assembly, while expressing its conviction that an intensification of international cooperation was the fundamental basis for confronting the problem of drug abuse and illicit trafficking, reaffirmed that the fight against drug abuse and illicit trafficking should continue to be based on strict respect for the principles enshrined in the Charter and international law, particularly respect for the sovereignty and territorial integrity of States, non-interference in internal affairs of States and non-use of force or the threat of force in international relations. The Assembly affirmed that the international fight against drug trafficking should not in any way justify violation of the principles enshrined in the Charter and international law, particularly the right of all peoples freely to determine, without external interference, their political status and to pursue their economic, social and cultural development. The Secretary-General, in preparing his report to the General Assembly at its forty-seventh session, and the Executive Director of the United Nations International Drug Control Programme, in carrying out the activities of the Programme, were invited to give due consideration to these principles.

13. The guiding principles of the United Nations in the fight against drugs are recalled in the Political Declaration adopted together with the Global Programme of Action by the General Assembly at its seventeenth special session (resolution S-17/2 of 23 February 1990, annex) namely, sovereignty of States; shared responsibility in combating drug abuse and illicit trafficking; non-interference in the internal affairs of States; and strengthening of cooperation under mutually agreed conditions through bilateral, regional and multilateral mechanisms.

14. The four main international drug control treaties referred to above while strengthening international cooperation under conditions sovereignly agreed upon by States parties, incorporate explicit guarantees of the above-mentioned principles. The 1988 Convention provides that parties shall carry out their obligations under that Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States (art. 2, para. 2). It also provides that a party shall not undertake in the territory of another party the exercise of jurisdiction and performance of functions which are exclusively reserved for the authorities of that other party by its domestic law (art. 2, para. 3).

15. The respect for the principles of the Charter and international law is also a basic objective underlying all activities of the United Nations International Drug Control Programme and its dealings with States. In particular, the principles are applied in the provision of technical assistance by the Programme to requesting States after detailed assessment by the States themselves of their drug control situation and needs. Technical assistance in the form of legal advice offered to States to upgrade their drug control legislation in line with the conventions not only reflects the principles of the Charter and of international law, but also helps secure their implementation in national laws.

IV. ECONOMIC AND SOCIAL CONSEQUENCES OF ILLICIT TRAFFICKING IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

16. The economic and social consequences of illicit trafficking in drugs were initially addressed by the General Assembly at its forty-fourth session (resolution 44/142 of 15 December 1989). The report on the meeting of the Intergovernmental Expert Group on the subject (A/C.3/45/8, annex), which had been before the Assembly at its forty-fifth session, was submitted to the Commission on Narcotic Drugs for consideration at its thirty-fourth session. The Commission deferred consideration until the thirty-fifth session, and invited the Executive Director of the United Nations International Drug Control Programme to analyse the recommendations of the Expert Group and present his views on possible follow-up action. The General Assembly took note of the decision of the Commission and requested the Commission to report to it at its forty-seventh session, through the Economic and Social Council (resolution 46/103, sect. II).

17. The report of the Intergovernmental Expert Group was devoted largely to the question of the availability of reliable data as a basis for estimating the economic and social consequences of trafficking, and to the problem of money laundering.

18. Consideration of the data question highlighted the inadequacy and limitations of the information currently available and the difficulty of significantly improving the situation. The Expert Group, however, also unanimously agreed that it was imperative for the United Nations to develop a

comprehensive, unified information system, which would include reliable data on the illicit drug trafficking chain (A/C.3/45/8, para. 24). The experts identified two basic types of problem with regard to data in this field, those related to technical feasibility and those related to resources, including both money and time.

19. The Executive Director, in his note to the Commission at its thirty-fifth session on the recommendations of the Expert Group, emphasized that, given the inherent difficulty of the task of constructing a database, caution should be urged in assigning to the Programme a responsibility formulated in such a way as to make it impossible to fulfil by either the Programme or any other institution (E/CN.7/1992/11, para. 7). He offered to prepare an estimate of the resource implications for a truly global effort on the issue.

20. The Commission acknowledged the difficulty of the task and expressed interest in receiving an indication of the practical and resource implications.

21. As an initial step, the United Nations International Drug Control Programme is cooperating with and partially financing a worldwide research study being undertaken by the United Nations Research Institute for Social Defence with support from the United Nations University. The 10-country study, to be completed in 1993, will attempt to assess the economic and social consequences of illicit drug production, trafficking and abuse. The results are expected to be a useful indicator of the feasibility of gathering data on the issue.

V. UNITED NATIONS INTERNATIONAL DRUG CONTROL PROGRAMME

22. With regard to the restructuring process envisaged in its resolution 45/179, the General Assembly requested the Secretary-General to report to it at its forty-seventh session, taking into account, inter alia, the observations of the Advisory Committee on Administrative and Budgetary Questions and the views expressed in the Fifth Committee (resolution 46/185 C, sect. XVI, para. 4, and resolution 46/104, para. 11).

23. The present section deals with the administrative and financial arrangements, the action taken by the Commission on Narcotic Drugs at its thirty-fifth session regarding the budget estimates of the programme of the Fund of the United Nations International Drug Control Programme and the administrative and programme support costs budget for the biennium 1992-1993 and the methodology to be followed by the United Nations International Drug Control Programme with reference to the approval by the Commission of proposed budget estimates of the Fund.

24. The action taken by the Secretary-General to streamline the structure of the programme, and action taken in the arrangements relating to personnel will be reported on separately in the context of the overall restructuring of the Secretariat.

25. Questions of coordination (Assembly resolution 46/104, para. 7) and regional cooperation (resolution 46/185 C, sect. XVI, para. 4) will be dealt with in the reports of the Secretary-General referred to in paragraph 2 above.

26. In its resolution 45/179, the General Assembly, recognizing that the new dimensions taken on by the drug menace necessitated a more comprehensive and integrated approach to international drug control to enable the United Nations to play a central and greatly enhanced role in this field, requested the Secretary-General to create the United Nations International Drug Control Programme and to integrate therein the structures and functions of the three drug control units of the Secretariat.

27. The Executive Director of the Programme was appointed on 1 March 1991 to execute the integration process and to act on behalf of the Secretary-General in fulfilling his responsibilities under the terms of international drug control treaties and resolutions of the United Nations organs relating to international drug control. The Executive Director also has the direct responsibility for the financial resources of the Fund of the United Nations International Drug Control Programme, as a fund for financing operational activities of the Programme (resolution 45/179 and ST/SGB/240 of 26 June 1991).

28. In section XVI of its resolution 46/185 C, the General Assembly authorized the Commission on Narcotic Drugs to approve, on the basis of the Executive Director's proposals, both the budget of the Fund's programme and the administrative and programme support costs budget. Moreover, the Assembly requested the Advisory Committee on Administrative and Budgetary Questions to submit to the Commission its comments and recommendations on the administrative and programme support costs budget of the United Nations International Drug Control Programme.

29. At its thirty-fifth session, in April 1992, the Commission on Narcotic Drugs, having considered the budget estimates of the Fund of the Programme for the biennium 1992-1993 proposed by the Executive Director, and the comments and recommendations of the Advisory Committee on Administrative and Budgetary Questions, approved those budget estimates (resolution 12 (XXXV)).

30. As authorized by the General Assembly in its resolution 46/185 C, section XVI, the Commission on Narcotic Drugs considered at its thirty-fifth session the ways in which it planned to carry out its administrative and financial functions. It had before it the comments and recommendations of the Advisory Committee on Administrative and Budgetary Questions (E/CN.7/1992/12/Add.3). By its resolution 13 (XXXV), the Commission endorsed the comments and recommendations of the Advisory Committee and approved, as a temporary procedure, the proposals of the Executive Director concerning the budget presentation during the biennium 1992-1993, bearing in mind the need to fully synchronize the budget cycle of the Programme with that of the United Nations as a whole. The Commission also decided on the content of the documentation to be submitted to it by the Programme in connection with the budget submissions. In addition, it decided to convene informal consultations at Vienna in the fourth quarter of 1992 to discuss revised budget estimates

for 1993 with a view both to ensuring the active involvement of States members of the Commission in the budget process and to facilitating approval of the revised budget estimates by the Commission at its thirty-sixth session. The budget format and methodology will be reviewed by the Commission at its thirty-seventh session, in 1994. At that time, the Commission will also consider any adjustments that may be required in the light of experience.